

## 2009 Negley Awards for Excellence in Risk Management

# Preventing Sexual Misconduct in the Workplace

## Boys Town Behavioral Health, Winner of The President's Award

### Introduction

Father Flanagan's Boys' Home, also known as Boys Town, places a great deal of emphasis on the safety and well being of both youth and staff. The Boys Town Behavioral Health programs consist of both the Specialized Treatment Group Homes (STGH) and the Intensive Residential treatment Center (IRTC). The STGH are comprised of four homes which can house up to 15 youth in each home with a total population of 55 youth. The youth in these homes are between the ages of 10 and 18. The IRTC is comprised of one program divided into four distinct units. The IRTC can house up to 47 youth ages 7-18. Each program utilizes 24 hour shift staff with awake night staff to ensure the safety of children with extensive mental health and behavioral health issues. Each program employs approximately 100 full and part time staff in order to care for and treat this diverse population.

Boys Town Behavioral Health programs go to great lengths to preserve the safety of our children. Efforts to prevent sexual misconduct and protect children in care are imbedded in organizational practices, including staff selection, quality training, oversight, data collection, reporting guidelines and quality improvement processes. This paper will describe the multifaceted approach that Boys Town Behavioral Health employs to minimize and prevent this serious problem from occurring.

### The Organization

Organizationally, the Boys Town Behavioral Health programs place an emphasis on youth rights, consumer orientation, and clear and accessible policies and procedures. Policies such as Youth Safety Line, Program Audit Investigations, and Youth Rights (Att. A\*), exist to clarify the Boys Town Behavioral Health programs' dedication to youth safety. Program personnel are required to implement a model of care that is research based and focuses on ongoing continuous quality improvement. The Boys Town Behavioral Health program has developed a culture of safety and ethics via staff training, ongoing observation and consultation in the model of care, and evaluations that place a premium on youth rights and safety. Additionally, Boys Town Behavioral Health utilizes the unique services provided by an independent Program Audit Department, which will be discussed later in this paper.

### Direct Care Staff

Boys Town Behavioral Health only recruits highly qualified candidates. Screening tools are utilized to eliminate unqualified candidates.

The applicants must successfully complete situational role plays and real life work scenarios prior to being recommended for hire. Employees also must submit to high level background checks including the Department of Motorized Vehicles, Sexual Abuse Registry, and criminal background checks. Once hired, the employee must successfully complete a two week competency based Pre-Service Workshop. This workshop includes presentations on Youth Rights, Relationship Building and Boundaries, Safety of Children in Programs, Reporting Guidelines and Professionalism. Employees must pass the required exams and complete realistic role-play scenarios to criteria. A high degree of emphasis is placed on employees' professional behaviors during this training. Employees who exhibit an unwillingness or inability to conduct themselves professionally, in their speech, dress, timeliness, etc., do not progress to employment in the Boys Town Behavioral Health programs. All employees at the time of hire are required to sign a document indicating that they will respect youth boundaries, will not have an exclusive relationship, will not share personal information, and will avoid one-on-one situations whenever possible. They also agree to avoid unnecessary physical contact, and refrain from singling out a specific youth by giving him/her gifts (Att. B\*).

Additionally, all staff are trained to use a confidential web based reporting mechanism called Ethics Point. All new employees receive literature about Ethics Point along with a card which gives them the contact information (Att. C\*). This tool helps Boys Town and its Behavioral Health programs maintain their commitment to a safety and values based culture. Ethics Point allows all of our staff to report issues or concerns, including sexual misconduct, in an anonymous manner. If an employee utilizes Ethics Point, this information is reviewed by the independent Program Audit Department.

### Supervision and Oversight

Ongoing supervision, observations, and consultation occur for all staff, and the frequency of these interventions is prescribed by a pre-determined service delivery plan. The supervisors' documentation of the service delivery is routinely audited. Boys Town Behavioral Health supervisors are trained to recognize inappropriate boundaries. This training is enhanced by data collected on past incidents of substantiated employee to youth boundary violations. "Red flags" are identified and communicated. The supervisors are taught to address relationship building skills and to be aware of boundary concerns such as favoritism,

spending exclusive time with a child, giving gifts, and sharing personal information with a youth. These issues are addressed and documented and may lead to suspension or termination of employment if this behavior is not ameliorated. The Boys Town Behavioral Health program has very low tolerances for an employee's unwillingness to follow these set boundary guidelines.

An additional safeguard afforded both the IRTC and the STGH programs is surveillance cameras that are positioned in every hallway adjacent to bedrooms. These surveillance cameras allow the administrative team to monitor employee performance in regards to keeping the kids safe. An added benefit is that these cameras provide administrators information on the whereabouts of their employees and can also be used to investigate allegations of misconduct. Our expectation is that our staff physically check on the kids a minimum of four times per hour during the overnight shift. We routinely monitor our staff to ensure compliance with these expectations. Overnight staff training meetings occur monthly. Safety and maintaining appropriate boundaries, especially on the overnight shift, are frequent agenda topics.

### The Youth

In addition to strong organizational practices in the selection, training, supervision, and evaluation of employees, Boys Town's Behavioral Health programs ensure that all youth admitted to the program are aware of their youth rights and are given several methods to report any concerns they may have during their stay. At the time of admission, all youth review their youth rights in writing with an administrative staff and, when possible, their guardians. They are also provided information on how to register a complaint or a grievance. We ask the youth and legal guardian to sign a form which asks them for assistance in maintain a safe environment in either of our programs (Att. D\*). The STGH and IRTC utilize "Complaint Forms" (Att. E\*) that can be dropped into a locked box so that their confidentiality is maintained. Some minor complaints are handled internally through discussion and problem solving with the youth. Any complaint that is of a serious nature and may contain ethical connotations such as a sexual boundary violation is passed on to the Program Audit Department.

All youth are informed at the time of admission about the Youth Safety Line. In addition to this information, all of our youth are provided with a card upon admission which details how to contact the Youth Safety Line

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(Att. F\*). Additionally, the phone number for the Safety and Ethics Line is posted prominently throughout both the STGH homes and the IRTC unit (Att. G\*). Boys Town Behavioral Health program staff are trained to allow the youth to use this phone line at any time to express a concern or complaint. The Youth Safety Line is a direct line to our Program Audit Department. Auditors determine the course of action depending on the nature and acuity of the complaint that they have received. Program Audit randomly polls the youth to ensure they are aware of their rights, the process to file a grievance, and the use of the Youth Safety Line.

#### External Monitoring

The Program Audit Department's purpose is to maintain the integrity of the Boys Town Program and to protect both staff and youth. Program Audit is an independent department consisting of auditors that have been thoroughly trained in the model of care and have shown successful implementation of the program. Each auditor has successfully completed a series of trainings designed to help them intervene and investigate situations that pose a risk to youth in our programs. Program auditors are independent of program administrators and are accountable to the Board of Trustees. This independent structure was purposefully instituted and imbedded in the organization's policies and procedures to ensure the auditors are able to investigate and report their findings without fear of reprisal from program administrators. Boys Town Behavioral Health program administrators rely on this honest, thorough look into their program and practices in order to maintain and ensure the highest quality of care for the youth they serve. The auditors assist program administrators by providing training for staff at the time of hire and periodically throughout the year. Training information includes the expectations for higher professional conduct, appropriate dress, model implementation, and maintaining professional boundaries. Additional training for supervisors and administrators is also available which illustrates specific warning signs or "red flags" that should be identified for staff that may lead to poor boundaries or inappropriate relationships. Program Audit also provides the program administrators with data and "trends" that indicate which areas of the program are running well and which areas may need more administrative attention. This preventive approach reduces the chances for ineffective practices to occur. These trends and data points are then communicated to the training department and adjustments to the training curriculum are made.

The Program Audit Department acquires information regarding unethical conduct by staff, which may include sexual misconduct, through several different avenues. These avenues include: 1. Youth Complaint Forms, 2. Reports by youth to another staff member, 3. Employee self reports, 4. Youth calls to the Youth Safety

Line, 5. Staff reports to Ethics Point, and finally, 6. Information derived from quarterly Youth Consumer Questionnaires that are administered to our youth. The youth consumers ask very specific questions regarding how the youth have been cared for while residing in our Behavioral Health Programs. Forty questions are asked of each youth in the Behavioral Health Programs in hopes of gaining information on how they have been treated. Some of these questions pertain heavily to sexual/boundary issues while in treatment. Some of these questions are:

- 1) *Have you ever felt unsafe or very afraid here?*
- 2) *Has any staff member ever made you feel uncomfortable by making sexually inappropriate comments or by touching you in a sexually inappropriate way?*
- 3) *Have you ever been left alone or unmonitored by staff?*
- 4) *Do you feel that this program is a safe place for children?*

Once a concern has been noted, for instance, that a staff has made a comment to a child that could be considered sexual harassment, the Program Audit Department pursues the issue with the Director of the Program. At that point it is decided if the Program administration would initiate an investigation, or whether the investigation would rest solely with the Program Audit Department. It is important to note that administrative staff are trained to conduct an investigation, how to ask appropriate questions, and how to document the findings of the investigation. All findings are then handed over to the Program Audit Department for review and to ensure that the investigation was thorough and objective. Often times the department makes further recommendations or conducts additional interviews in order to determine the validity of a report or accusation.

Following the conclusion of the investigation, the Program Audit Department summarizes the findings and this report is submitted to appropriate program administrators for follow-up action. Follow up to the findings are sent to the department within seven days of receipt of the final summary. All findings and follow-up actions are reported to the Board of Trustees each quarter. Since sexual misconduct by staff towards a youth is a serious matter, the ramifications of those findings are also serious. Depending on the severity of the outcome, a staff member could be terminated from their employment and in rare occasions, the incident is turned over to the local law enforcement to investigate possible criminal action. Program personnel and Program Audit report any suspected abuse of a youth to the local Child Protective Services Hotline (Att. H\*).

In less serious matters, the staff member may be given a verbal or written reprimand and may be asked to attend additional training in order to make better decisions while on the job. There are occasions in which a youth makes a false allegation and the report is unfounded. On

occasion, during the course of an investigation, the youth may recant his/her allegation. Having an independent body investigate any allegation helps protect Boys Town Behavioral Health employees from false allegations and the employees receive notice that the allegation was unfounded. The bottom line is that all incidents of sexual misconduct are taken seriously.

The Boys Town Behavioral Health Program treats even minor boundary concerns as important and, at the very least, will consult to mistakes in judgment that may have occurred and document the action taken. By addressing minor infractions the hope is to eliminate major boundary concerns or sexual misconduct between staff and youth. To illustrate the importance of the Program Audit Department to Behavioral Health, the following data is submitted. From the beginning of 2006 to the present, there were a total of 79 investigations that Program Audit assisted with at the IRTC and STGH. These investigations include any potential youth safety issue including medications, restraints and seclusions, staff temper loss, and of course sexual boundary issues. From 2006 to the present there were six founded events where boundary violations from staff to youth were noted. Boundary violations constitute inappropriate comments, proximity concerns, exclusive gift giving, etc. During the same period of time there was one founded incident where there was evidence of sexual misconduct.

In summary, Boys Town Behavioral Health Programs adhere to a culture of safety and ethics from the time of hire for staff and from the time of admission for youth. Several avenues are available to both staff and youth to register complaints both formally and anonymously. Training occurs for our staff immediately and is reiterated constantly through additional training and via ongoing support, consultation, and evaluation. The Program Audit Department helps tie all of the pieces together. Although our program is large enough to have a separate department for this function, it is completely feasible to expect other programs throughout the country to replicate this process via their Quality Assurance/Quality Improvement Department, Corporate Compliance Department, Human Resources Department, or Training Department. The important message is that the youth and staff understand and embrace a culture of safety and zero tolerance for sexual misconduct and ethical malfeasance. We believe that our attention to even minor boundary concerns lends itself to the low number of sexual misconduct events that we have had in our programs for the past several years. We also adhere to a proactive approach in addressing these concerns early on in training and throughout an employee's career to hopefully prevent serious sexual misconduct from occurring. ❖ *(An overview of Boys Town, their history and services is provided on page 8 of the Executive Report. Referenced attachments are available from Boys Town.)*